

House File 654

H-1243

1 Amend the amendment, H-1206, to House File 654, as follows:

2 1. Page 9, after line 24 by inserting:

3 <DIVISION ____

4 CRIMINAL HISTORY BACKGROUND CHECKS

5 Sec. ____ . NEW SECTION. 724.33 **Sale or transfer of firearms**
6 **— criminal history background check.**

7 1. Unless otherwise authorized by this chapter or federal
8 law, a person shall not sell or transfer a firearm to another
9 person without receiving verification from a licensed firearms
10 dealer that information on the prospective purchaser or
11 transferee has been submitted to the department of public
12 safety for a criminal history background check and that a
13 determination has been received by the department of public
14 safety that the prospective purchaser or transferee is not
15 prohibited under either state or federal law from possessing a
16 firearm. A criminal history background check conducted under
17 this section shall include an inquiry of the national instant
18 criminal background check system maintained by the federal
19 bureau of investigation.

20 2. a. Except as provided in paragraph "b", a person who
21 sells or transfers a firearm in violation of this section is
22 guilty of an aggravated misdemeanor.

23 b. A person does not violate this section under any of the
24 following circumstances:

25 (1) A sale or transfer of a firearm to a firearm buyback
26 program sponsored by a law enforcement agency.

27 (2) A transfer of a firearm to another person during an
28 act of justified self-defense or justified defense of another
29 person, provided that the possession after the transfer
30 lasts no longer than is immediately necessary to resolve the
31 emergency.

32 (3) A transfer of a firearm between family members.

33 (4) The receipt of a firearm bequeathed to the recipient.

34 3. A licensed firearms dealer may charge and collect fees
35 for obtaining criminal history record information checks on

1 behalf of sellers or transferors.

2 4. The department of public safety shall adopt rules
3 pursuant to chapter 17A as necessary to carry out the
4 provisions of this section.

5 5. For purposes of this section, "*licensed firearms dealer*"
6 means the same as defined in section 724.29A.

7 Sec. ____. APPLICABILITY. This division of this Act applies
8 to the sale or transfer of firearms on or after July 1, 2023.>

9 _____. Title page, line 1, by striking <and possession> and
10 inserting <possession, sale, and transfer>

11 _____. Title page, line 2, after <locations,> by inserting
12 <providing penalties,>

13 _____. Title page, line 3, after <date> by inserting <and
14 applicability>>

15 2. By renumbering as necessary.

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